REMARKS

Upon entry of this Response, claims 1-3 and 5-22 remain pending in the present patent application.

1. RESPONSE TO OBJECTION TO SPECIFICATION

The specification has been objected to because of informalities. In particular, the Office Action advised the Applicants that patent numbers were listed incorrectly in the specification. In response, Applicants have amended the specification to correct the patent numbers. Therefore, withdrawal of the objection to the specification is respectfully requested.

2. RESPONSE TO REJECTION OF CLAIMS UNDER 35 U.S.C. § 101

Claims 20 and 21 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 20-21 have been amended to recite that a computer program is embodied in a computer readable medium, as suggested in the Office Action. Accordingly, Applicants respectfully request withdrawal of the rejection.

3. RESPONSE TO REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

Claims 1, 4-6, 8-12, 14-18, and 20-22 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Berstis* (U.S. Patent No. 6,337,688).

a. Claim 1

As provided in independent claim 1, Applicants claim:

> A video system comprising:
> an image capture system configured to capture a plurality of frames of a video clip;
> a sequence data generating system for generating data indicative of frame position of each of the plurality of frames;
> an orientation sensor configured to provide orientation information for each of the plurality of frames at the time each frame is captured;
> a processor configured to incorporate the orientation information and sequence data into each frame; and

a display configured to display each frame using the orientation information, such that the displayed frame is oriented the same as an orientation of the image capture system when the frame was captured.

(Emphasis added).

Applicants respectfully submits that independent claim 1 is allowable for at least the reason that *Berstis* does not teach or suggest at least "a display configured to display each frame using the orientation information, such that the displayed frame is oriented the same as an orientation of the image capture system when the frame was captured," as emphasized above.

Rather, *Berstis* describes a rotational input being received by a virtual reality presentation system, and in response to the rotational input, a frame is selected for display having an associated orientation closest to that indicated by the rotational input. *See* col. 9, lines 1-10. *Berstis* fails to disclose that the displayed frame "is oriented the same as an orientation of the image capture system when the frame was captured," however. *Berstis*, in contrast, selects a frame for viewing that has an associated orientation that matches closely with a rotational input. Display of the frame is not disclosed to be oriented in a particular way based on the orientation information, in *Berstis*. Therefore, *Berstis* does not teach or suggest at least "a display configured to display each frame using the orientation information, such that the displayed frame is oriented the same as an orientation of the image capture system when the frame was captured," as recited in claim 1.

Accordingly, *Berstis* does not anticipate claim 1, and the rejection of claim 1 should be withdrawn.

b. Claim 4

Claim 4 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these

canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

c. Claim 5

As provided in independent claim 5, Applicants claim:

> A method for creating a frame of a video clip, the method comprising the steps of:
> capturing an image with an image capture device;
> generating a frame having at least image data corresponding to the captured image and sequence data indicative of a frame position in the video clip;
> sensing an orientation of the image capture device at the time the image is captured;
> incorporating the orientation information corresponding to the sensed orientation into the frame; and
> ***displaying the frame oriented in accordance with the sensed orientation***.

(Emphasis added).

Applicants respectfully submit that independent claim 5 is allowable for at least the reason that *Berstis* does not teach or suggest at least "displaying the frame oriented in accordance with the sensed orientation," as emphasized above.

Rather, *Berstis* describes a rotational input being received by a virtual reality presentation system, and in response to the rotational input, a frame is selected for display having an associated orientation closest to that indicated by the rotational input. *See* col. 9, lines 1-10. *Berstis* fails to disclose that the displayed frame is oriented in accordance with a sensed orientation of the camera at the time the image is captured, however. *Berstis*, in contrast, selects a frame for viewing that has an associated orientation that matches closely with a rotational input. Display of the frame is not disclosed to be oriented in a particular way based on the orientation information, in *Berstis*. Therefore, *Berstis* does not teach or suggest at least "displaying the frame oriented in accordance with the sensed orientation," as recited in claim 5.

Accordingly, *Berstis* does not anticipate claim 5, and the rejection of claim 5 should be withdrawn.

d. Claims 6 and 8-10

Claim 5 is allowable over the cited art of record for at least the reasons given above. Since claims 6 and 8-10 depend from claim 5 and recite additional features, claims 6 and 8-10 are allowable as a matter of law over the cited art of record.

e. Claim 11

As provided in independent claim 11, Applicants claim:

> A method for displaying a frame of a video clip, the method comprising the steps of:
> receiving the frame having at least image data and sequence data corresponding to an image captured by an image capture device;
> receiving orientation information residing in the frame;
> determining an orientation of the frame, the orientation of the frame corresponding to the orientation of the image capture device at the time the image was captured; and
> ***displaying the frame oriented in accordance with the determined orientation.***

Applicants respectfully submit that independent claim 11 is allowable for at least the reason that *Berstis* does not teach or suggest at least "displaying the frame oriented in accordance with the determined orientation," as emphasized above.

Rather, *Berstis* describes a rotational input being received by a virtual reality presentation system, and in response to the rotational input, a frame is selected for display having an associated orientation closest to that indicated by the rotational input. *See* col. 9, lines 1-10. *Berstis* fails to disclose that the displayed frame is oriented in accordance with a determined orientation of the camera at the time the image is captured, however. *Berstis*, in contrast, selects a frame for viewing that has an associated orientation that matches closely with a rotational input. Display of the frame is not disclosed to be oriented in a particular way based on the orientation information, in *Berstis*. *Berstis* does not teach or suggest at least "displaying the frame oriented in accordance with the determined orientation," as recited in claim 11.

Accordingly, *Berstis* does not anticipate claim 11, and the rejection of claim 11 should be withdrawn.

f. Claims 12 and 13-16

Claim 11 is allowable over the cited art of record for at least the reasons given above. Since claims 12 and 13-16 depend from claim 11 and recite additional features, claims 12 and 13-16 are allowable as a matter of law over the cited art of record.

g. Claim 17

As provided in independent claim 17, Applicants claim:

> A system for providing orientation information for frames of a video clip, comprising:
> means for capturing an image;
> means for generating a frame having at least image data corresponding to the captured image and sequence data, wherein the frame is one of a plurality of serially sequenced frames corresponding to the video clip;
> means for sensing an orientation of an image capture device at the time the image is captured;
> means for incorporating the orientation into the frame;
> means for storing the frame with the orientation in a memory; and
> ***means for displaying the frame oriented in accordance with the sensed orientation***.

(Emphasis added).

Applicants respectfully submit that independent claim 17 is allowable for at least the reason that *Berstis* does not teach or suggest at least "means for displaying the frame oriented in accordance with the sensed orientation," as emphasized above.

Rather, *Berstis* describes a rotational input being received by a virtual reality presentation system, and in response to the rotational input, a frame is selected for display having an associated orientation closest to that indicated by the rotational input. *See* col. 9, lines 1-10. *Berstis* fails to disclose that the displayed frame is oriented in accordance with a sensed orientation of the camera at the time the image is captured, however. *Berstis*, in contrast, selects a frame for viewing that has an associated orientation that matches closely with a rotational input. Display of the frame is not

disclosed to be oriented in a particular way based on the orientation information, in *Berstis*. *Berstis* does not teach or suggest at least "means for displaying the frame oriented in accordance with the sensed orientation," as recited in claim 17.

Accordingly, *Berstis* does not anticipate claim 17, and the rejection of claim 17 should be withdrawn.

h. Claim 18

Claim 17 is allowable over the cited art of record for at least the reasons given above. Since claim 18 depends from claim 17 and recite additional features, claim 18 is allowable as a matter of law over the cited art of record.

i. Claim 20

As provided in independent claim 20, Applicants claim:

> A computer-readable medium embodied with a computer program for displaying a frame of a plurality of serially sequenced frames corresponding to a video clip, the computer program comprising logic configured to perform the steps of:
>
> retrieving the frame from a memory, the frame having at least image data corresponding to a captured image that was captured by an image capture device and sequence data;
>
> receiving orientation information residing in the frame;
>
> determining an orientation of the frame, the orientation of the frame corresponding to the orientation of the image capture device when the image was captured; and
>
> ***displaying the frame in accordance with the determined orientation***.

Applicants respectfully submit that independent claim 20 is allowable for at least the reason that *Berstis* does not teach or suggest at least "displaying the frame oriented in accordance with the determined orientation," as emphasized above.

Rather, *Berstis* describes a rotational input being received by a virtual reality presentation system, and in response to the rotational input, a frame is selected for display having an associated orientation closest to that indicated by the rotational input. *See* col. 9, lines 1-10. *Berstis* fails to disclose that the displayed frame is oriented in accordance with a determined orientation of the camera at the time the image is

captured, however. *Berstis*, in contrast, selects a frame for viewing that has an associated orientation that matches closely with a rotational input. Display of the frame is not disclosed to be oriented in a particular way based on the orientation information.

Accordingly, *Berstis* does not anticipate claim 11, and the rejection of claim 20 should be withdrawn.

j. Claim 21

As provided in independent claim 21, Applicants claim:

> A computer-readable medium embodied with a computer program for providing orientation information for a frame of a video clip, the computer program comprising logic configured to perform the steps of:
> receiving information from an image capturing system, the information corresponding to a captured image;
> generating a frame having at least image data and sequence data corresponding to the captured image, wherein the frame is one of a plurality of serially sequenced frames corresponding to the video clip;
> sensing an orientation of an image capture device at the time the frame is generated;
> incorporating the orientation into the frame; and
> ***displaying the frame oriented in accordance with the sensed orientation***.

(Emphasis added).

Applicants respectfully submit that independent claim 21 is allowable for at least the reason that *Berstis* does not teach or suggest at least "displaying the frame oriented in accordance with the sensed orientation," as emphasized above.

Rather, *Berstis* describes a rotational input being received by a virtual reality presentation system, and in response to the rotational input, a frame is selected for display having an associated orientation closest to that indicated by the rotational input. *See* col. 9, lines 1-10. *Berstis* fails to disclose that the displayed frame is oriented in accordance with a sensed orientation of the camera at the time the image is captured, however. *Berstis*, in contrast, selects a frame for viewing that has an associated orientation that matches closely with a rotational input. Display of the frame is not disclosed to be oriented in a particular way based on the orientation information.

Accordingly, *Berstis* does not anticipate claim 21, and the rejection of claim 21 should be withdrawn.

4. RESPONSE TO REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 2, 3, 7, 13, and 19 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Berstis* in view of *Parulski* (U.S. Patent No. 6,249,332 B1). All of the features of allowable independent claims 1, 6, 11, and 17 are not taught and suggested by *Berstis*, as previously discussed. Further, the cited art of *Parulski* fails to cure the deficiencies of the *Berstis* reference in suggesting or teaching all of the claimed features in claims 1, 6, 11, and 17. Further, claims 2, 3, 7, 13, and 19 recite additional features. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Berstis* in view of *Parulski* has not been made, and the rejections of claims 2, 3, 7, 13, and 19 should be withdrawn.

CONCLUSION

For at least the reasons provided above, Applicants respectfully submit that all rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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